



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 23 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Mr. Monty Greutman
Plant Manager
Bridgestone Americas Tire Operations, LLC
P.O. Box 640
Bloomington, Illinois 61702-0640

Dear Mr. Greutman:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves case docket no. CAA-05-2013-0032. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on JUL 23 2013.

Pursuant to Paragraph 31 of the CAFO, Bridgestone Americas Tire Operations, LLC must pay the civil penalty within 30 days of JUL 23 2013. Your check must display the docket number CAA-05-2013-0032.

Please direct any questions regarding this case to Andre Daugavietis, (312) 886-6663.

Sincerely,

Eileen L. Furey
Acting Chief
Air Enforcement and Compliance Assurance Branch

Enclosure

cc: Ann Coyle, Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Andre Daugavietis/C-14J
R. Pilapil, Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CAA-05-2013-0032
)	
Bridgestone Americas Tire)	Proceeding to Assess a Civil Penalty
Operations, LLC)	Under Section 113(d) of the Clean Air Act,
Normal, Illinois,)	42 U.S.C. § 7413(d)
)	
Respondent.)	
_____)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Bridgestone Americas Tire Operations, LLC (Bridgestone), a corporation doing business in Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

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6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and any right to appeal this CAFO.

Statutory and Regulatory Background

9. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

10. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), requires that each Title V permit include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable requirements, including those contained in a State Implementation Plan (SIP). 42 U.S.C. § 7661c(a).

11. On March 7, 1995, EPA gave Illinois' Clean Air Act Permit Program interim approval as a 40 C.F.R. Part 70 permit program. 60 Fed. Reg. 12478. The program was granted full approval effective November 30, 2001. 40 C.F.R. Part 70, Appendix A.

12. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for violations that occurred after January 12, 2009 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

13. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

14. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

15. Bridgestone owns and operates a tire manufacturing facility at 1600 Fort Jesse Road, Normal, Illinois ("Facility").

16. Emissions from Bridgestone's Facility are subject to the conditions listed in its Title V Operating Permit ("Permit") issued by the Illinois Environmental Protection Agency (IEPA) on November 9, 2006.

17. On June 21, 2012, EPA issued to Bridgestone a Finding of Violation (FOV) giving notice of the violations at the Facility alleged below, and offering the Respondent an opportunity to confer with the EPA. On August 9, 2012, and on subsequent dates, representatives of Bridgestone and EPA discussed the June 21, 2012 FOV.

18. Permit Condition 7.3.6 states that volatile organic matter (VOM) emissions from the tire assembly machine (TAM) stations at the Facility identified as ORB and SR-1 shall not exceed 25 tons per year. Pursuant to the permit condition, "compliance with annual limits shall be determined from a running total of 12 months of data."

19. Permit Condition 7.3.6 further states that VOM emissions from the TAM station at the Facility identified as ORB-25 shall not exceed 13.1 tons per year. Pursuant to the permit condition, "compliance with annual limits shall be determined from a running total of 12 months of data."

20. Permit Condition 7.3.9 requires Bridgestone to maintain records of monthly and annual emissions of VOM for ORB and SR-1, and for ORB-25.

21. Permit Condition 7.3.10 requires Bridgestone to notify IEPA of exceedences within 30 days of such occurrence.

22. Permit Condition 7.3.12(c)(i) contains a formula to determine compliance with Permit Condition 7.3.6.

23. Permit Condition 9.8 requires Bridgestone to annually certify compliance with each provision of the permit.

24. When emissions are calculated using the formula in Permit Condition 7.3.12(c)(i), the combined emissions from ORB and SR-1 exceeded 25 tons per year on a monthly rolling basis, beginning in December 2010 and continuing through at least May 2011.

25. When emissions are calculated using the formula in Permit Condition 7.3.12(c)(i), the emissions from ORB-25 exceeded 13.1 tons per year on a monthly rolling basis, beginning in February 2011 and continuing through at least April 2011.

26. Bridgestone failed to maintain records calculating emissions from ORB, SR-1 and ORB-25 using the formula in Permit Condition 7.3.12(c)(i).

27. Bridgestone did not notify the IEPA of the exceedences outlined in Paragraphs 24 and 25 until February 16, 2012.

28. Bridgestone's annual Title V Compliance Certification for 2010 did not include notification of the exceedences outlined in Paragraphs 24 and 25.

29. On December 4, 2012, IEPA issued a construction permit to Bridgestone that established new emission limits for the facility and replaced the emission limits stated above.

Civil Penalty

30. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case and Bridgestone's cooperation, prompt return to compliance, and agreement to perform a supplemental environmental project, Complainant has determined that an appropriate civil penalty to settle this action is \$33,000.

31. Within 30 days after the effective date of this CAFO, Respondent must pay a \$33,000 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

For checks sent by express mail (non-U.S. Postal Service which won't deliver mail to P.O. Boxes), Respondent must send a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note Respondent's name, docket number of this CAFO and the billing document number.

32. Respondent must send a notice of payment that states Respondent's name, the docket number of this CAFO and the billing document number to EPA at the following addresses when it pays the penalty:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Andre Daugavietis (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

33. This civil penalty is not deductible for federal tax purposes.

34. If Respondent does not pay timely the civil penalty, or any stipulated penalties due under Paragraph 44, below, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

35. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This

nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

Supplemental Environment Project

36. Respondent agrees to complete a supplemental environmental project (SEP) designed to protect the environment by reducing emissions from diesel-powered lawn care equipment owned and operated by the Bloomington Parks and Recreation Department. The SEP, described in detail below, is categorized as a pollution prevention project because the new equipment will produce less harmful air emissions than existing equipment.

37. Respondent must complete the SEP as follows. Respondent must spend at least \$30,000 to purchase new propane-powered lawn mowing equipment to be owned and operated by the Bloomington Parks and Recreation Department. Each new unit must replace a diesel-powered unit of similar type, and the replaced unit must be destroyed.

38. Respondent certifies as follows:

I certify that Bridgestone is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Bridgestone has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that Bridgestone is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

39. Respondent must submit a SEP completion report to EPA by February 1, 2014.

This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any problems encountered and the actions taken to correct the problems;
- c. Itemized list of the purchased equipment and cost of each, along with copies of invoices, purchase orders or cancelled checks that specifically identify and itemize the individual cost of the units;
- d. Certification or documentation demonstrating that the replaced units were destroyed or disassembled such that they will no longer be operated;
- e. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- f. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

40. Respondent must submit all notices and reports required by this CAFO by first-class mail to the Compliance Tracker of the Air Enforcement and Compliance Assurance Branch at the address provided in Paragraph 32, above.

41. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

42. Following receipt of the SEP completion report described in Paragraph 39, above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 days to correct the deficiencies; or

- c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under Paragraph 44.

43. If EPA exercises option b above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under Paragraph 44, below.

44. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, Respondent must pay a civil penalty amount of \$30,000.
- b. If Respondent did not complete the SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in Paragraph 37, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in Paragraph 37, Respondent must pay a civil penalty amount of \$6,000.
- d. If Respondent did not submit timely the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$100	1 st through 14 th day
\$250	15 th through 30 th day
\$500	31 st day and beyond

45. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

46. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in Paragraph 31, above, and will pay interest and nonpayment penalties on any overdue amounts.

47. Any public statement that Respondent makes referring to the SEP must include the following language: "Bridgestone undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Bridgestone for violations of the Clean Air Act."

48. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If EPA does not agree that circumstances beyond the control of Respondent caused or may a delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.

- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

49. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

50. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO:

51. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

52. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in Paragraph 50, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

53. Respondent certifies that it is complying fully with the Clean Air Act at the Facility with respect to the violations alleged above, as well as with emissions limits established in the Facility's December 4, 2012 permit.

54. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

55. The terms of this CAFO bind Respondent, its successors and assigns.

56. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

57. Each party agrees to bear its own costs and attorneys' fees in this action.

58. This CAFO constitutes the entire agreement between the parties.

Bridgestone Americas Tire Operations, LLC, Respondent

Date

July 8, 2013


Monty Grautman
Plant Manager

Bridgestone Americas Tire Operations, LLC

United States Environmental Protection Agency, Complainant

Date

7/17/13


George T. Czerniak
Director

Air and Radiation Division

U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Bridgestone Americas Tire Operations, LLC
Docket No. CAA-05-2013-0032

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Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

7-19-13

Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order

In the Matter of: Bridgestone Americas Tire Operations, LLC

Docket No. CAA-05-2013-0032

Certificate of Service

I certify that I filed the original and one copy of the Consent Agreement and Final Order (CAFO), docket number _____ with the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604, and that I mailed the second original copy to Respondent by first-class, postage prepaid, certified mail, return receipt requested, by placing it in the custody of the United States Postal Service addressed as follows:

Monty Greutman
Plant Manager
Bridgestone Americas Tire Operations, LLC
P.O. Box 640
Bloomington, Illinois 61702-0640

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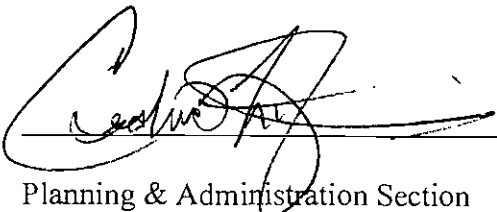
I certify that I delivered a correct copy of the CAFO by intra-office mail, addressed as follows:

Ann Coyle
Regional Judicial Officer (C-14J)
U.S. Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, Illinois 60604

I also certify that I mailed a correct copy of the CAFO by first-class mail to:

Mr. Ray Pilapil, Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

On the 23 day of July 2013.


Planning & Administration Section

CERTIFIED MAIL RECEIPT NUMBER:

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